

REMARKS

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document submitted January 10, 2001.

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statement filed November 8, 2001.

Status of the Application

Claims 1-13 are all the claims pending in the Application, as claims 12 and 13 are hereby added. Claims 1-11 have been rejected.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 2, 7 and 9-11 would be allowed if rewritten in independent form. However, Applicant respectfully requests that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider the prior art rejections of the other claims, based on the following remarks.

Indefiniteness Rejection of Claims 1-11 Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 1-11 as being indefinite under 35 U.S.C. § 112, second paragraph. The informalities noted by the Examiner have been corrected. Thus, withdrawal of the claim rejection is respectfully requested.

Obviousness Rejections of Claims 1, 6 and 8 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 6 and 8 under 35 U.S.C. § 103(a) as being unpatentable over JP 09-002024A to Himuro (hereinafter “Himuro”) in view of US 5,746,849 to Hutson et al. (hereinafter “Hutson”) and/or EP 0 812 709 A1 to Himuro (hereinafter “EP ‘709”).

Applicant respectfully submits that Himuro fails to teach or suggest at least the “auxiliary land part” recited in claim 1.

Specifically, Himuro discloses a tread pattern with central circumferential rib 1 and directional slant blocks 2, 3. Block 2 has a low land height portion in a region corresponding to a high land height portion of the block 3, and vice versa. The transitions between the low and high land heights of blocks 2 and 3 (*i.e.*, the sloped portions) are alternately arranged in the circumferential direction of the tread to form a falsely circumferential groove 4 and a similar groove in the vicinity of the rib 1. In other words, the upward and downward slopes (which do not appear to be gradual) of blocks 2 and 3 work together to form two “V” shaped circumferential grooves.

These seemingly steeply sloped portions of blocks 2, 3 merely define sides to a circumferential groove, and have nothing to do with the gradually sloping “auxiliary land part” recited in claim 1. In fact, Himuro is completely silent regarding the angle of the sloped portions of blocks 2, 3.

Further, the secondary references, Hutson and EP ‘709, merely disclose various alternative tread patterns. Hutson and EP ‘709 completely fail to teach or suggest the “auxiliary land part” recited in claim 1, and thus do not provide the features missing from Himuro, as discussed above.

Thus, Applicant respectfully requests that the Examiner withdraw the rejection of claim

1. The remaining claims 2-13 are believed to be allowable at least by virtue of their dependency.

Conclusion


In view of the foregoing, it is respectfully submitted that claims 1-13 are allowable.

Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-13.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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